



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 6916 OF 2025
IN FAST/19197/2024
WITH
CIVIL APPLICATION NO. 10793 OF 2024
IN FAST/19197/2024

VISHWNATH ANANDA SUTAR

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR OSMANABAD AND ORS

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Advocate for Applicant/Claimant : Mr. Praveen Baliram Rakhunde

AGP for State : Mr. S.N. Morampalle

Advocate for Acquiring Body : Mr. Kedar Warad h/f Mr. Sunil V. Warad

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CORAM : SHAILESH P. BRAHME, J.

DATE : 06.01.2026

PER COURT :

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

1. Heard both sides.
2. The applicant seeks withdrawal of amount of Rs. 57,85,986/- deposited by respondent-Acquiring Body. Learned counsel for the applicant submits that in similarly situated matters this Court permitted the claimants to receive 50% of the amount of compensation with accrued interest on undertaking and 25% of the amount of compensation with accrued interest on furnishing security/surety.
3. The application is contested by the respondent-Acquiring Body. It is submitted that the enhancement is exorbitant and based on solitary sale instance, which was post notification under Section 4 of the Land Acquisition Act. It is further submitted that it would be very difficult to recover the amount if the acquired body succeed in the appeal.

4. All the niceties of the matters cannot be looked into at this stage. The interest of the respondent-Acquiring Body can be safeguarded by holding 25% of the amount. The applicants are entitled to receive 75% of the amount on certain conditions. There is no reason to deviate from the view taken by this Court in similarly situated matters.

5. The Civil Application is partly allowed permitting the applicants/claimants to receive 50% of the amount of compensation with accrued interest on furnishing undertaking and 25% of the amount of compensation with accrued interest on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.

FIRST APPEAL (STAMP)

6. **Admit.** Learned counsel Mr. Rakhunde waives service for the Claimant. Learned A.G.P. waives service for the State.

7. Call for record and proceedings.

8. Print is dispensed with.

CIVIL APPLICATION FOR STAY

9. As the entire amount has been deposited by the Acquiring Body, ad interim relief granted earlier shall stand confirmed.

10. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-